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## **An Act To Rename and Specifically Identify Sex Crimes**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 5 MRSA §3360-M**, as enacted by PL 1999, c. 719, §1 and affected by §11, is amended to read:

### **§ 3360-M. Payment for forensic examinations for alleged victims of rape**

**1. Payment.** The board shall pay the costs of forensic examinations for alleged victims of ~~gross sexual assault~~rape from the Victims' Compensation Fund. The board shall track expenditures for forensic examinations separately from all other expenditures. Forensic examination payments are not subject to any other provision of this chapter.

**2. Forensic examination.** The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. The board shall pay a licensed hospital or licensed health care practitioner the actual cost of the forensic examination up to a maximum of \$500.

**3. Process for payment.** A licensed hospital or licensed health care practitioner that performs forensic examinations for alleged victims of ~~gross sexual assault~~rape shall submit a bill to the Victims' Compensation Board directly for payment of the forensic examinations. The hospital or health care practitioner that performs a forensic examination shall take steps necessary to ensure the confidentiality of the alleged victim's identity. The bill submitted by the hospital or health care practitioner may not identify the alleged victim by name but must be assigned a tracking number that corresponds to the forensic examination kit. The tracking number may not be the alleged victim's social security number. The hospital or health care practitioner that performs the examination may not bill the alleged victim or the alleged victim's insurer, nonprofit hospital or medical service organization or health maintenance organization for payment of the examination. The alleged victim is not required to report the alleged offense to a law enforcement agency.

**4. Other reimbursement.** The fact that forensic examinations are paid for separately through the Victims' Compensation Fund does not preclude alleged victims of ~~gross sexual assault~~rape from seeking reimbursement for expenses other than those for the forensic examination. A victim seeking reimbursement from the Victims' Compensation Fund for expenses other than the forensic examination is subject to all other provisions of this chapter.

**5. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A2-A~~.

**Sec. 2. 15 MRSA §3101, sub-§4, ¶C-2**, as enacted by PL 1997, c. 645, §2, is amended to read:

C-2. With respect to the finding of appropriateness required by paragraph E, subparagraph (2), the State has the burden of proof, except that in a case involving a juvenile who is charged with one or more juvenile crimes that, if the juvenile were an adult, would constitute murder, attempted murder, felony murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery or Class A ~~gross sexual assault~~rape in which the victim submits as a result of compulsion, the juvenile has the burden of proof.

**Sec. 3. 15 MRSA §3308, sub-§7, ¶D**, as amended by PL 1997, c. 752, §15 and as amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

D. When a juvenile who is adjudicated of a juvenile crime that if committed by an adult would be ~~gross sexual assault~~rape under Title 17-A, section 253, subsection 1 is committed to a Department of Corrections juvenile correctional facility or placed on probation, the Department of Corrections shall provide, while the juvenile is committed or on probation, a copy of the juvenile's judgment and commitment to the Department of Health and Human Services, to all law enforcement agencies that have jurisdiction in those areas where the juvenile may reside, work or attend school and to the superintendent of any school system in which the juvenile attends school during the period of commitment or probation. The Department of Corrections shall provide a copy of the juvenile's judgment and commitment to all licensed and registered day-care facility operators located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. Upon request, the Department of Corrections shall also provide a copy of the juvenile's judgment and commitment to other entities that are involved in the care of children and are located in the municipality where the juvenile resides, works or attends school during the period of commitment or probation. The Department of Corrections may provide a copy of the juvenile's judgment and commitment to any other agency or person whom the Department of Corrections determines is appropriate to ensure public safety. Neither the failure of the Department of Corrections to perform the requirements of this paragraph nor compliance with this paragraph subjects the Department of Corrections or its employees to liability in a civil action.

**Sec. 4. 15 MRSA §3309-A, sub-§4**, as amended by PL 1999, c. 65, §1, is further amended to read:

**4. Juvenile adjudicated of rape.** After adjudication and before disposition when a juvenile is adjudicated of a juvenile crime that if committed by an adult would be ~~gross sexual assault~~rape under Title 17-A, section 253, subsection 1, the court shall order the juvenile to undergo a diagnostic evaluation and may order the evaluation to take place at a detention facility described in section 3203-A, subsection 7, paragraph B.

**Sec. 5. 17-A MRSA §8, sub-§1**, as amended by PL 1999, c. 438, §1, is further amended to read:

**1.** It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section; ~~provided~~except that a prosecution for murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime,

a prosecution for: incest; unlawful sexual contact; ~~sexual abuse of a minor child molestation~~; or rape or, ~~formerly denominated as gross sexual assault, formerly denominated and~~ as gross sexual misconduct, may be commenced at any time.

**Sec. 6. 17-A MRSA §8, sub-§2**, as amended by PL 1999, c. 438, §2, is further amended to read:

2. Prosecutions for crimes other than murder or criminal homicide in the first or 2nd degree, or, if the victim had not attained the age of 16 years at the time of the crime, prosecutions for: incest; unlawful sexual contact; ~~sexual abuse of a minor child molestation~~; or rape or, ~~formerly denominated as gross sexual assault, formerly denominated and~~ as gross sexual misconduct, are subject to the following periods of limitations:

A. A prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed; and

B. A prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

**Sec. 7. 17-A MRSA §202, sub-§1**, as amended by PL 1991, c. 377, §8, is further amended to read:

1. A person is guilty of felony murder if acting alone or with one or more other persons in the commission of, or an attempt to commit, or immediate flight after committing or attempting to commit, murder, robbery, burglary, kidnapping, arson, ~~gross sexual assault~~rape, or escape, the person or another participant in fact causes the death of a human being, and the death is a reasonably foreseeable consequence of such commission, attempt or flight.

**Sec. 8. 17-A MRSA §253**, as amended by PL 2003, c. 711, Pt. B, §2 and corrected by RR 2003, c. 2, §25, is further amended to read:

### **§ 253. Rape**

1. A person is guilty of ~~gross sexual assault~~rape if that person engages in a sexual act with another person and:

A. The other person submits as a result of compulsion, as defined in section 251, subsection 1, paragraph E. Violation of this paragraph is a Class A crime;

B. The other person, not the actor's spouse, has not in fact attained the age of 14 years. Violation of this paragraph is a Class A crime; or

C. The other person, not the actor's spouse, has not in fact attained 12 years of age. Violation of this paragraph is a Class A crime.

2. A person is guilty of ~~gross sexual assault~~rape if that person engages in a sexual act with another person and:

- A. The actor has substantially impaired the other person's power to appraise or control the other person's sexual acts by administering or employing drugs, intoxicants or other similar means. Violation of this paragraph is a Class B crime;
- B. The actor compels or induces the other person to engage in the sexual act by any threat. Violation of this paragraph is a Class B crime;
- C. The other person suffers from mental disability that is reasonably apparent or known to the actor, and which in fact renders the other person substantially incapable of appraising the nature of the contact involved or of understanding that the person has the right to deny or withdraw consent. Violation of this paragraph is a Class B crime;
- D. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual act. Violation of this paragraph is a Class B crime;
- E. The other person, not the actor's spouse, is in official custody as a probationer or a parolee, or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class B crime;
- F. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student. Violation of this paragraph is a Class C crime;
- G. The other person, not the actor's spouse, has not attained the age of 18 years and is a resident in or attending a children's home, day care facility, residential child care facility, drug treatment center, camp or similar school, facility or institution regularly providing care or services for children, and the actor is a teacher, employee or other person having instructional, supervisory or disciplinary authority over the other person. Violation of this paragraph is a Class C crime;
- H. The other person has not in fact attained the age of 18 years and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term care and welfare of that other person. Violation of this paragraph is a Class B crime;
- I. The actor is a psychiatrist, a psychologist or licensed as a social worker or purports to be a psychiatrist, a psychologist or licensed as a social worker to the other person and the other person, not the actor's spouse, is a patient or client for mental health therapy of the actor. As used in this paragraph, "mental health therapy" means psychotherapy or other treatment modalities intended to change behavior, emotions or attitudes, which therapy is based upon an intimate relationship involving trust and dependency with a substantial potential for vulnerability and abuse. Violation of this paragraph is a Class C crime; or
- J. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Health and Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes the other person as a person with mental

retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3. Violation of this paragraph is a Class C crime.

3. It is a defense to a prosecution under subsection 2, paragraph A, that the other person voluntarily consumed or allowed administration of the substance with knowledge of its nature, except that it is no defense when the other person is a patient of the actor and has a reasonable belief that the actor is administering the substance for medical or dental examination or treatment.

6. In using a sentencing alternative involving a term of imprisonment for a person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.

In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction.

7. If the State pleads and proves that a violation of subsection 1 or subsection 2 was committed in a safe children zone, the court, in determining the appropriate sentence, shall treat this as an aggravating sentencing factor.

**Sec. 9. 17-A MRSA §254**, as amended by PL 2003, c. 138, §§2 to 4, is further amended to read:

### **§ 254. Child molestation**

1. A person is guilty of ~~sexual abuse of a minor~~child molestation if:

A. The person engages in a sexual act with another person, not the actor's spouse, who is either 14 or 15 years of age and the actor is at least 5 years older than the other person. Violation of this paragraph is a Class D crime;

A-1. The person violates paragraph A and the actor knows that the other person is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class C crime;

A-2. The person violates paragraph A and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class C crime;

C. The person is at least 21 years of age and engages in a sexual act with another person, not the actor's spouse, who is either 16 or 17 years of age and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled. Violation of this paragraph is a Class E crime;

D. The person violates paragraph C and the actor knows that the student is related to the actor within the 2nd degree of consanguinity. Violation of this paragraph is a Class D crime;

E. The person violates paragraph C and the actor is at least 10 years older than the student. Violation of this paragraph is a Class D crime; or

F. The person intentionally subjects another person, not the actor's spouse, who is either 14 or 15 years of age to any sexual contact and the actor is at least 10 years older than the other person. Violation of this paragraph is a Class D crime.

2. It is a defense to a prosecution under subsection 1, paragraphs A, A-1, A-2 and F, that the actor reasonably believed the other person is at least 16 years of age.

4. As used in this section, "related to the actor within the 2nd degree of consanguinity" has the meaning set forth in section 556.

**Sec. 10. 17-A MRSA §1252, sub-§4-B, ¶A,** as amended by PL 2003, c. 711, Pt. B, §19, is further amended to read:

A. As used in this section, "repeat sexual assault offender" means a person who commits a ~~new gross sexual assault~~rape after having been convicted previously and sentenced for any of the following:

(1) ~~Gross Rape, formerly denominated as gross sexual assault, formerly denominated and as gross sexual misconduct;~~

~~(2) Rape;~~

(3) Attempted murder accompanied by sexual assault;

(4) Murder accompanied by sexual assault; or

(5) Conduct substantially similar to a crime listed in subparagraph (1), ~~(2)~~, (3) or (4) that is a crime under the laws of the United States or any other state.

The date of sentencing is the date of the oral pronouncement of the sentence by the trial court, even if an appeal is taken.

**Sec. 11. 17-A MRSA §1252, sub-§4-C**, as enacted by PL 2003, c. 711, Pt. B, §20, is further amended to read:

**4-C.** If the State pleads and proves that a Class A crime of ~~gross sexual assault~~rape was committed by a person who had previously been convicted and sentenced for a Class B or Class C crime of unlawful sexual contact, or an essentially similar crime in another jurisdiction, that prior conviction must be given serious consideration by the court in exercising its sentencing discretion.

**Sec. 12. 19-A MRSA §1653, sub-§6-A, ¶A**, as amended by PL 2005, c. 366, §2, is further amended to read:

A. For the purposes of this section, "child-related sexual offense" means the following sexual offenses if, at the time of the commission of the offense, the victim was under 18 years of age:

- (1) Sexual exploitation of a minor, under Title 17-A, section 282;
- (2) ~~Gross sexual assault~~Rape, under Title 17-A, section 253;
- (3) ~~Sexual abuse of a minor~~Child molestation, under Title 17-A, section 254;
- (4) Unlawful sexual contact, under Title 17-A, section 255-A or former section 255;
- (5) Visual sexual aggression against a child, under Title 17-A, section 256;
- (6) Sexual misconduct with a child under 14 years of age, under Title 17-A, section 258;
- (6-A) Solicitation of a child by computer to commit a prohibited act, under Title 17-A, section 259; or
- (7) An offense in another jurisdiction, including, but not limited to, that of a state, federal, military or tribal court, that includes the essential elements of an offense listed in subparagraph (1), (2), (3), (4), (5), (6) or (6-A).

**Sec. 13. 19-A MRSA §1658, sub-§4**, as enacted by PL 1997, c. 363, §1, is amended to read:

**4. Exception.** The court is not required to terminate the parental rights and responsibilities of a parent convicted of ~~gross sexual assault~~rape under Title 17-A, section 253, subsection 1, paragraph B; that resulted in the conception of the child if:

- A. The parent or guardian of the other parent filed the petition;
- B. The other parent informs the court that the sexual act was consensual; and

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the ~~gross sexual assault~~rape.

**Sec. 14. 22 MRSA §4002, sub-§1-B, ¶A,** as amended by PL 2001, c. 696, §10, is further amended to read:

A. The parent has subjected any child for whom the parent was responsible to aggravated circumstances, including, but not limited to, the following:

(1) Rape, formerly denominated as gross sexual misconduct; and gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, abandonment, torture, chronic abuse or any other treatment that is heinous or abhorrent to society.

**Sec. 15. 22 MRSA §4055, sub-§1-A, ¶B,** as amended by PL 1995, c. 481, §3, is further amended to read:

B. The victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:

(1) Murder;

(2) Felony murder;

(3) Manslaughter;

(4) Aiding or soliciting suicide;

(5) Aggravated assault;

(6) Rape, formerly denominated as gross sexual assault and as gross sexual misconduct;

(7) ~~Gross sexual misconduct or gross sexual assault;~~

(8) ~~Sexual abuse of minors~~Child molestation;

(9) Incest;

(10) Kidnapping;

(11) Promotion of prostitution; or

(12) A comparable crime in another jurisdiction;

**Sec. 16. 24 MRSA §2986,** as amended by PL 2005, c. 538, §§1 and 2, is further amended to read:

**§ 2986. Performing forensic examinations for alleged victims of rape**

**1. Standard forensic examination kit.** All licensed hospitals and licensed health care practitioners shall use a standard forensic examination kit developed and furnished by the Department of Public Safety pursuant to Title 25, section 2915 to perform forensic examinations for alleged victims of ~~gross sexual assault~~rape.

**2. Victims' Compensation Board billing.** All licensed hospitals and licensed health care practitioners that perform forensic examinations for alleged victims of ~~gross sexual assault~~rape shall submit a bill to the Victims' Compensation Board directly for payment of the forensic examinations. The Victims' Compensation Board shall determine what a forensic examination includes pursuant to Title 5, section 3360-M. The hospital or health care practitioner that performs a forensic examination shall take steps necessary to ensure the confidentiality of the alleged victim's identity. The bill submitted by the hospital or health care practitioner may not identify the alleged victim by name but must be assigned a tracking number that corresponds to the forensic examination kit. The tracking number may not be the alleged victim's social security number. The Victims' Compensation Board shall pay the actual cost of the forensic examination up to a maximum of \$500. Licensed hospitals and licensed health care practitioners that perform forensic examinations for alleged victims of ~~gross sexual assault~~rape may not bill the alleged victim or the alleged victim's insurer, nonprofit hospital or medical service organization or health maintenance organization for payment for the examination.

**3. Completed kit.** If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the completed forensic examination kit for at least 90 days. The completed kit may be identified only by the tracking number. If during that 90-day period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examination kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating law enforcement agency shall transport the forensic examination kit directly to the Maine State Police Crime Laboratory.

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

**4. Other payment.** A licensed hospital or licensed health care practitioner is not precluded from seeking other payment for treatment or services provided to an alleged victim that are outside the scope of the forensic examination.

**5. Implied consent.** If an alleged victim of gross sexual assault is unconscious and a reasonable person would conclude that exigent circumstances justify conducting a forensic examination, a licensed hospital or licensed health care practitioner may perform an examination in accordance with the provisions of this section.

A forensic examination kit completed in accordance with this subsection must be treated in accordance with Title 25, section 3821 and must preserve the alleged victim's anonymity. In addition, the law enforcement agency shall immediately report to the district attorney for the district in which the hospital or health care practitioner is located that such a forensic examination has been performed and a forensic examination kit has been completed under this subsection.

**6. Liability.** A licensed hospital or licensed health care practitioner in the exercise of due care is not liable for an act done or omitted in performing a sexual assault forensic examination under this section.

**Sec. 17. 25 MRSA §1574, sub-§4, ¶E,** as amended by PL 1997, c. 608, §3, is further amended to read:

E. GrossRape, including that formerly denominated as gross sexual assault, including that formerly denominated and as gross sexual misconduct;

**Sec. 18. 25 MRSA §1574, sub-§4, ¶E-1,** as enacted by PL 1997, c. 608, §3, is repealed.

**Sec. 19. 25 MRSA §1574, sub-§4, ¶F,** as enacted by PL 1995, c. 457, §1, is repealed and the following enacted in its place:

F. Child molestation;

**Sec. 20. 25 MRSA §1574, sub-§5, ¶C,** as enacted by PL 2001, c. 325, §5, is repealed and the following enacted in its place:

C. Child molestation;

**Sec. 21. 25 MRSA §1574, sub-§6, ¶F**, as enacted by PL 2003, c. 393, §3, is amended to read:

F. ~~GrossRape~~, including that formerly denominated as ~~gross~~ sexual assault;

**Sec. 22. 25 MRSA §2915**, as enacted by PL 1999, c. 719, §3 and affected by §11, is amended to read:

**§ 2915. Uniform forensic examination kit for evidence collection in cases of alleged rape**

**1. Development of uniform forensic examination kit.** The Department of Public Safety shall determine by rule what constitutes a uniform standardized forensic examination kit for evidence collection in alleged cases of ~~gross sexual assault~~ alleged rape. The rules must define the contents of the kit, instructions for administering the kit and a checklist that examiners must follow and enclose in the completed kit.

**2. Use of uniform forensic examination kit.** A licensed hospital or licensed health care practitioner that conducts physical examinations of alleged victims of ~~gross sexual assault~~ rape shall use the uniform standardized forensic examination kit developed by the Department of Public Safety pursuant to subsection 1. A health care practitioner who conducts physical examinations of alleged victims of ~~gross sexual assault~~ rape must be trained in the proper evidence collection procedures for conducting a forensic examination.

Evidence collection results may not be excluded as evidence in any proceeding before any court of this State as a result of the examiner's failure to use the standardized evidence collection kit or as a result of the examiner's failure to be trained in the proper procedures for the collection of evidence required by this subsection.

**3. Furnishing of uniform forensic examination kit.** The Department of Public Safety shall furnish the uniform forensic examination kits to licensed hospitals and licensed health care practitioners that perform forensic examinations of alleged victims of ~~gross sexual assault~~ rape.

**4. Rules.** Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter H-A2-A.

**Sec. 23. 25 MRSA §3821**, as amended by PL 2005, c. 538, §3, is further amended to read:

**§ 3821. Transportation and storage of forensic examination kits**

If an alleged victim of ~~gross sexual assault~~ rape has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed kit, identified only by a tracking number assigned by the hospital or health care practitioner, to its evidence storage facility. The

law enforcement agency shall store the kit for at least 90 days from the time of receipt. If during that 90-day period the alleged victim reports the offense to a law enforcement agency, the agency storing the kit shall transport the kit to the Maine State Police Crime Laboratory.

In the case of a forensic examination performed under Title 24, section 2986, subsection 5, the law enforcement agency must immediately notify the district attorney for the district in which the hospital or health care practitioner is located that such a forensic examination has been performed and a forensic examination kit has been completed under Title 24, section 2986, subsection 5.

**Sec. 24. 30-A MRSA §287, sub-§1,** as amended by PL 1999, c. 719, §5 and affected by §11, is further amended to read:

**1. Payment of expenses by district attorney.** Except as provided in subsection 2, in all cases reported to a law enforcement officer of sexual crimes against minors or assault when serious bodily injury has been inflicted, the office of the district attorney of the county in which the alleged crime occurred shall pay the expenses of a physical examination of the victim conducted for the purpose of obtaining evidence for the prosecution. Pursuant to Title 5, section 3360-M, the Victims' Compensation Board shall pay the expenses of forensic examinations for alleged victims of ~~gross sexual assault~~rape.

**Sec. 25. 30-A MRSA §287, sub-§2-A,** as enacted by PL 1999, c. 719, §6 and affected by §11, is further amended to read:

**2-A. Drug and alcohol testing.** Notwithstanding subsections 1 and 2 and Title 5, section 3360-M, the district attorney shall pay the expense of any analysis of a drug or alcohol test performed as part of a forensic examination of an alleged victim of ~~gross sexual assault~~rape when the purpose of the analysis is to obtain evidence for the prosecution.

**Sec. 26. 34-A MRSA §11221, sub-§6-A** is enacted to read:

**6-A. Distribution of information to town clerk.** The bureau shall distribute, via e-mail, the information described in subsections 1 and 11-A to the town clerk of a town that has no police department.

The bureau shall send an e-mail containing the new releases of registrants to the town clerk on a monthly basis.

**Sec. 27. 34-A MRSA §11221, sub-§11-A** is enacted to read:

**11-A. Law enforcement agency; provide information to bureau.** A law enforcement agency shall notify the bureau if the law enforcement agency has a registrant in its custody.

**Sec. 28. Maine Revised Statutes headnote amended; revision clause.** In the Maine Revised Statutes, Title 25, chapter 407, in the chapter headnote, the words "transportation and storage of forensic examination kits for alleged victims of gross sexual assault" are amended to read "transportation and storage of forensic examination kits for alleged victims of rape" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

## **SUMMARY**

This bill changes the name of 2 sex crimes from "gross sexual assault" and "sexual abuse of a minor" to "rape" and "child molestation." The bill also requires the Department of Public Safety, State Bureau of Identification to distribute information contained in the sex offender registry to town clerks of towns that do not have police departments. The bill also requires a law enforcement agency to notify the bureau by e-mail if the law enforcement agency has a registrant in its custody.